83-479

No. 83-

IN THE
SUPREME COURT
OF THE UNITED STATES
October Term, 1983

TCHONG TCHENG KAN,

Petitioner,

vs.

MICHAEL LANDON,
U.S. IMMIGRATION AND
NATURALIZATION SERVICE

Respondent.

ON WRIT OF CERTIORARI FROM THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the term "fled" found in 8 U.S.C. §1153(a)(7), (§203(a)(7) of The Immigration and Nationality Act) should be broadly construed in order to prevent the injustice of denying refugee classification to those aliens who were outside their countries of residence when a political upheaval occurred and are otherwise eligible for refugee classification.

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No. 83-_____

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OPINIONS BELOW

The opinions of the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Central District of California, the Western Regional Commissioner of the Immigration and Naturalization Service, and the District Director of the Immigration and Naturalization Service at Los Angeles appear in the Appendix hereto.

JURISDICTION

The judgment of the United States Court of Appeals for the Ninth Circuit was entered June 20, 1983. This petition for writ of certiorari is filed within 90 days of that date. This Court's jurisdiction is invoked under 28 U.S.C. §1254(i).

STATUTORY PROVISIONS INVOLVED

(1) 8 U.S.C. §1153(a)(7)

"Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 1151(a)(ii) of this title, to aliens who satisfy an Immigration and Naturalization Service officer at an

examination in any non-Communist or non-Communist-dominated country, (A) that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode. For the purpose of the foregoing the term "general area of the Middle East" means the

area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: Provided, that immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

(2) United Nations Convention relating to The Status of Refugees, TIAS 6577, 19 U.S. Treaties (Part 5, 1968) p. 6223, Art I, sections 1 and 2.

(3) Section 203(a)(7) of the Act (revised through May 1, 1969) in pertinent part states: (conditional entrants) "[T]hat

(i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode... ."

(4) Refugee Relief Act of 1953, 1958, and 1980.

STATEMENT OF THE CASE

The petitioner is a 62 year old male, TCHONG TCHENG KAN, who resides with his 58 year old wife, who has accompanied Mr. KAN in all his travels since they were married in 1948. Both are natives of what is now the People's Republic of China (hereinafter "Mainland China") and citizens of China, although they were married in Haiphong, Vietnam.

Mr. KAN left Mainland China freely, under no pressure, in March, 1946, to accept employment in a bank in Haiphong, in what later became North Vietnam. He lived and worked in Haiphong from March, 1946 until January, 1951. In January, 1951, he and his wife left Haiphong to accept employment in a bank in Saigon, in

what later became South Vietnam. These movements were caused by the Indo-China war and the threat of Communism.

While Mr. KAN and his wife were residing in Vietnam, the Chinese Communists came to power in Mainland China (1949). Mr. KAN's father and brother were executed by the government in Mainland China in 1951, as landlords. Petitioner, afraid to return to Mainland China for fear of persecution, remained in exile in Saigon until June, 1970.

After the Tet Offensive in 1968, Petitioner became fearful that Communists would soon come to power in South Vietnam. In June, 1970, he and his wife relocated in the city of Kigali, in Africa, in the nation of Rwanda, where he was offered employment as Chief Adviser to the Banque

Nationale du Rwanda on a special five year working contract. Petitioner and his wife lived there on a temporary visa until the contract expired. They were never permanent residents of Rwanda. They left Rwanda in July, 1975 and are unable to return there, having no valid visa for Rwanda.

Petitioner and his wife entered the United States on July 17, 1975, on nonimmigrant business visitor (B-1) visas. On June 21, 1978, petitioner filed an application for adjustment of status to that of a permanent resident, claiming preference as a refugee under Section 203(a)(7) of the Immigration and Nationality Act, as amended (hereinafter referred to as the "Act").

On February 8, 1980, the District

Director of the office of the Immigration and Naturalization Service (hereinafter referred to as the "Service"), having jurisdiction, denied petitioner's application. The case was then certified for review to the Regional Commissioner, but was upheld, in his April 30, 1980 decision. The reasons for the denial as stated by the Service were:

1. That petitioner failed to establish that he had "fled" Mainland China and Vietnam within the meaning of Section 203(a)(7) of The Act (8 U.S.C. 1153(a)(7)) and,

2. That petitioner has failed to establish that he is unwilling to return to Mainland China or Vietnam due to fear of political persecution.

On August 18, 1980, petitioner filed

a complaint with the United States District Court for the Central District of California. The jurisdiction of the District Court was based on the Declaratory Judgment Act, 28 U.S.C. Section 1331(a), 1361 and 8 U.S.C. Section 1329. By a decision entered on November 16, 1981, the District Court found that the respondent had not abused his discretion in finding that there was no evidence of "flight" and an "unsupported fear of persecution".

On December 8, 1981, appellant filed a notice of appeal with the Ninth Circuit Court of Appeals.

On June 20, 1983, the Ninth Circuit upheld the District Court's decision, on the same grounds relied upon by the District Court.

Petitioner, TCHONG TCHENG KAN,

petitions this court for a writ of certiorari to provide a haven in the United States for himself and his family due to persecution they would be subjected to if returned to China.

REASONS FOR GRANTING THE WRIT

I

CERTIORARI SHOULD BE GRANTED TO RESOLVE AN IMPORTANT AND UNSETTLED QUESTION OF FEDERAL LAW

The question before this Court is one of first impression in its interpretation of federal Immigration Law. It is one of great importance to the lives of refugees who find themselves ineligible for

refugee classification due to the narrow and inequitable limitation placed on the benefits of the immigration laws by The Immigration and Naturalization Service and the lower courts. Such a narrow limitation is contrary to the recognized refugee policy of the United States, and should be corrected by this Court.

The Service and lower court decisions denying petitioner's classification as a refugee under 8 U.S.C. §1153(a)(7), §203(a)(7) of the Act, were both based on narrow interpretation of the requirement of §203(a)(7) that an applicant be one who has "fled from a Communist Dominated country".

Petitioner voluntarily left China in 1946, prior to the generally recognized date of the communist takeover in 1949.

For that reason, the Service found that he failed to show that he "fled from a Communist-Dominated area", as required by §203(a)(7) of the Act.

II

THE CONCEPT OF "CONSTRUCTIVE FLIGHT" SHOULD BE REGCONIZED BY THIS COURT IN ORDER THAT §203(a)(7) OF THE ACT WILL BE INTERPRETED IN LINE WITH THE CENTRAL REFUGEE POLICY OF THIS COUNTRY

The term "fled" should be broadly construed in order to include those who have "avoided, abandoned, or forsaken their countries of birth", while outside those countries, due to circumstances which have occurred since their departure. This

correction of the Service's interpretation will prevent the injustice and anomaly of distinguishing between those aliens who were outside their country of nationality when a communist political takeover occurred and those aliens who have physically fled from their countries after such events began.

The Service's present interpretation accomplishes such an anomalous distinction. Those aliens who have left their communist dominated countries after the date of the political upheaval have been eligible for refugee status under §203(a)(7) of the Act, while those who left before the date of political upheaval are ineligible for refugee status under §203(a)(7) of the Act.

The present Service interpretation, as

shown by decisions and arguments in the courts below is that such eligibility is not available to those who obtained an exit prior to communist control. This narrow interpretation leads to the inequitable result that aliens who physically fled from their home countries after upheaval, abandoned their homes in those countries, and are unable or unwilling to return due to persecution or fear of persecution, cannot be classified as refugees under §203(a)(7) of the Act.

This result is contrary to the basic refugee policy of this country. As enunciated by this Court, that policy has been "to provide a haven for homeless refugees and to fulfill American responsibilities in connection with the International Refugee organization of the

United States".Rosenberg v. Yee Chien Woo, 402 U.S. 49, 52, 28 L.Ed.2d 592, 91 S.Ct. 1312 (1971). This policy has remained constant since 1947, although, in the words of this Court "the language through which congress has implemented this policy has changed slightly from time to time". Id. at 52.

The Service's limitations on §203(a)(7) eligibility is based on its interpretation of this court's decision in Woo. Woo involved a Chinese alien who surreptitiously fled mainland China in 1953, and then settled in Hong Kong until 1959. The decision was concerned primarily with the question whether an alien refugee's firm resettlement in a third country prior to his entry into this country was a factor to be considered in

determining §203(a)(7) eligibility. This Court's answer was in the affirmative.

In the case at bar, the District Director of the Service did not base his denial of §203(a)(7) eligibility on a finding that petitioner had firmly resettled in a third country. Therefore, that is not an issue in this petition.

Likewise, the length of time which passed between petitioner's leaving China, Vietnam, and Africa, and his entering the United States was not a basis for the denial. The Service did argue, in the lower courts, using the language of the Woo decision, that petitioner's presence in the United States was not "reasonably proximate to the flight, and one following a flight remote in point of time". However, this was never a ground

for denial of petitioner's application or appeal.

It is important to note that factually, o involved an alien who physically fled mainland China subsequent to the control of the communist government. The Court therefore was not addressing itself to interpretation of the requirement that "an alien flee from a communist dominated area," This Court has never directly decided a case involving the "fled" requirement of §203(a)(7).

In its majority decision in Woo this Court stated: "[resettlement] is one of the factors which the Service must take into account to determine whether a refugee seeks asylum in this country as a consequence of his flight to avoid persecution. The District Director applied

the correct legal standard when he determined that §203(a)(7) requires that physical presence in the United States be a consequence of an alien's flight in search of refuge." Id. at 56-57.

The Service, in its decision and arguments to the courts below, took the position that this language was meant to preclude a prior Service interpretation that §203(a)(7) relief was available to those who were outside their countries when political upheaval occurred.

That former interpretation was based upon the unique factual situation found in Matter of Zedkova, 13 I & N Dec.626 (1970). Zedkova involved an alien who voluntarily left her country prior to the communist upheaval in Czechoslovakia in 1968, who, while outside that country,

after the upheaval, decided not to return due to fear of being persecuted.

The Immigration Service Commissioner granted her refugee classification under §203(a)(7) of the Act. The basis for the Commissioner's determination was stated as follows:

"It would be extremely narrow and inequitable to view those nationals who physically fled from Czechoslovakia because of political opinion as refugees, and to withhold such status from those who remained out of the country for the very same reason. According to Webster's New International Dictionary, Third Edition, the term "fled" may reasonably be construed to include one who has avoided, abandoned, or forsaken a danger or evil. We believe that this broad construction is consonant

with the remedial nature and purpose of §203(a)(7) of the Act in its use of the term. It is immaterial whether the circumstances which caused an alien to become a refugee occurred before or after departure from the country or area".

This broad interpretation of the "fled" requirement was subsequently upheld and clarified by both the Service and a reviewing United States District Court in Matter of Taheri, 14 I & N Dec.27 (1972-74). The Taheri decision held that where special facts such as those in the Zedkova decision were present, §203(a)(7) eligibility was available to those who had "constructively fled" their countries.

The Taheri decision defined those special facts as: First, that the case

arose from circumstances giving rise to "an exodus from her native country of a mass of other citizens as a result of a political upheaval", i.e. that this was "not an isolated instance of persecution". Second, that the applicant actually have abandoned her residence in her native country as a direct result of her fear of persecution. The abandonment should not be for other reasons such as preconceived intent to overstay. Third, the circumstances giving rise to fear of persecution arise out of changed conditions in the alien's native country after the alien had departed. Such conditions need to be major, such as a change in government. Taheri at 37-40.

The present case contains all of these special factual requirements, which the Service decisions held were within the

congressional intent behind the "fled" requirement of §203(a)(7). Petitioner is one of thousands who sought refuge from the communist takeover in China. Petitioner abandoned his residence in China never to return. He subsequently learned that his father and brother had been executed by the new government and there was, of course, a major change in the Chinese government subsequent to the time of petitioner's departure.

The Service was incorrect in putting such a stringent effect upon the broad language in the Woo decision. That effect is contrary to the intent and manner of the Woo decision itself. The Woo decision was based upon what the Court found to be this country's central refugee policy. That policy, as noted earlier, was

the creation of a haven for homeless refugees and displaced persons. The Woo decision should not be used as a precedent for the denial of refugee benefits from those who are clearly within that definition.

This Court in Woo held that "firm resettlement" was a factor in determining §203(a)(7) eligibility. In making its decision, it first stated what it found to be this country's central refugee policy. It then interpreted the "fled" requirement of §203(a)(7) in light of that policy. The court found that "firm resettlement", which was a factor present in previous refugee legislation, was not eliminated by 1957 legislation which had added the "fled" language, while deleting the "firm resettlement" language.

The Service Commissioners in Zedkova and Taheri, (the only decisions directly interpreting the "fled" requirement) also made their decisions in this manner. As stated in Zedkova, "we believe that this broad construction is consonant with the remedial nature and purpose of §203(a)(7) of the Act in its use of the term 'fled'". Id. at 628. See also, Taheri, supra, at 38. The Commissioners construed the term "fled" so as to include those who were intended to be benefitted by this country's refugee policy.

The Central Refugee Policy of the United States can be seen by looking to the legislation concerning refugees enacted both prior to and after §203(a)(7) of the Act. In 1953, Congress enacted the

Refugee Relief Act of 1953 a forerunner of §203(a)(7). That Act, like the 1948 legislation preceding it, contained three separate categories of those eligible for refugee classification:

1) "refugees", defined as "one...out of his usual place of abode and unable to return thereto" 2) "escapees", any refugee who because of persecution or fear of persecution fled...communist dominated areas...and who cannot return... 3) an alien who "lawfully entered the United States as bona fide non-immigrants and who because of events which have occurred subsequent to his entry into the United States is unable to return to the country of his birth...because of persecution or fear of persecution....

In 1968, the United States became a

signatory nation to The United Nations Protocol 1967 and Convention relating to the status of refugees, 19 U.S.T. 6223, T.I.A.S. 6557. That Protocol defined a refugee "as one who as a result of events, before and subsequent to June 1, 1951 and owing to a well-founded fear of being persecuted...is outside the country of his nationality and is unable or...unwilling to avail himself of the protection of that country."

The Refugee Relief Act of 1980, this country's present refugee statute, similarly defines a refugee as one "who is outside any country of such person's nationality...and who is unable or unwilling to return to...that country because of persecution or a well-founded fear of persecution... ."

The congressional intent, therefore, has historically been to grant refugee status to all displaced persons who are outside the countries of their nationalities, and who are unable to return. Refugee status has not been dependent on how an alien got to the United States, provided, of course, that he is not a danger to society and is of good moral character. This court should not let stand an interpretation which would so arbitrarily distinguish and withhold refugee benefits.

CONCLUSION

The "fled" requirement first appeared as a requirement in the 1957 amendments to the 1953 Refugee Relief Act. This Court stated that the 1957 amendments "did not mark any great change in American refugee

policy. Congress was primarily concerned with distributing 18,656 visas that were originally authorized under the 1953 Act but remained unissued... ." Woo, supra, at 54, n.4. The Service regulations enacted in 1957 bear this out. They defined a refugee simply as one "who because of fear of persecution...is out of his usual place of abode and is unable to return thereto..." See Woo, at 54, n.4., 22 C.F.R. §44.1 (1958), 22 Fed. Reg. 10826 (Dec.27, 1957).

The United States has had a consistent central refugee policy to help qualified, displaced people find new homes in safety and freedom. That policy should not, by a narrow requirement, be interpreted to mean that only aliens who waited until after a communist takeover occurred could be

eligible for refugee relief from 1965-1980. Such is contrary to the clear historical refugee policy of this country. For these reasons, a writ of certiorari should issue to review the judgment and opinion of the Ninth Circuit.

Date: September 16, 1983

Respectfully submitted,

Otto Frank Swanson
Steven Frank Swanson
Max Albert Skanes

Attorneys for Petitioner

APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TCHONG TCHENG KAN,	)	
	)	
Plaintiff-Appellant,	)	NO. 81-6030
	)	
vs.	)	D.C.NO. 80-3630 WMB
	)	
MICHAEL LANDON, U.S. IMMIGRATION AND NATURALIZATION SERVICE,	)	MEMORANDUM
	)	
Defendant-Appellee.	)	

Argued and Submitted: June 9, 1983
Decided: June 20, 1983

Appeal from the United States
District Court for the
Central District of California

Before: BROWNING, Chief Circuit Judge, CHOY and FERGUSON, Circuit Judges.

The INS did not abuse its discretion by denying Kan's application for adjustment of status as a refugee under §203(a)(7) (1978). Kan failed to establish that he

"fled" from a communist-dominated area within the meaning of the statute as interpreted in Rosenberg v. Chien Woo, 402 U.S. 49, 55-57 (1971). Moreover, Kan's fear of persecution if he returns to China is based solely on events that occurred in 1951; there is no evidence that his family is now being persecuted or that he would be subject to persecution if he returns to China. Shubash v. District Director, 450 F.2d 345, 346 (9th Cir. 1971).

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

TCHONG TCHENG KAN,	)	
	)	
Plaintiff,	)	
	)	NO. CV 80-3630-WMB(K)
v.	)	
	)	
JOSEPH HOWERTON, U.S. IMMIGRATION AND NATURALIZATION SERVICE,	)	JUDGMENT
	)	
Defendant.	)	
	)	

IT IS ADJUDGED that defendant's motion for summary judgment is granted.

DATED: This 12 day of March, 1981.

WILLIAM MATTHEW BYRNE, JR.
United States District Judge

APPENDIX C

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WESTERN REGION
SAN PEDRO, CALIFORNIA 90731

OFFICE OF THE REGIONAL COMMISSIONER

FILE: A23 010 240 - Los Angeles

IN RE: Tchong T. Kan

APPLICATION FOR CLASSIFICATION AS A REFUGEE PURSUANT TO THE PROVISO TO SECTION 203(a)(7) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED, IN CONJUNCTION WITH AN APPLICATION FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENT UNDER SECTION 245 OF THE ACT.

IN BEHALF OF APPLICANT:

Otto Frank Swanson
Attorney at Law
4676 Admiralty Way
Suite 632
Marina del Rey, CA 90291

This case is before the Regional Commissioner on certification from a decision of the District Director who

denied the application for classification as a refugee on the basis that the applicant, a native of China, failed to establish that he fled from a Communist or Communist dominated country or from any country within the general area of the Middle East because of persecution or fear of persecution on account of race, religion or political opinion and that he failed to establish that an immigrant visa was immediately available to him as a nonpreference immigrant on the grounds that he failed to submit a labor certification as required by section 245 of the Immigration and Nationality Act, as amended. The District Director certified his decision as required and granted the

applicant ten days to submit a brief or other written statement in rebuttal to the denial decision.

The applicant is a native and citizen of China who was last admitted into the United States on July 17, 1975 as a nonimmigrant visitor for business. The instant applications were filed on June 21, 1978.

We have carefully reviewed all evidence submitted with the application and on rebuttal.

Section 203(a)(7) specifically provides that, in order to qualify for classification as a refugee, the applicant must establish that he "fled" from a Communist or Communist-dominated country or from any country within the general area of the Middle East because of

persecution or fear of persecution on account of race, religion or political opinion, or that they are persons uprooted by catastrophic natural calamity, as defined by the President, who are unable to return to their usual place of abode. We have carefully reviewed and considered all evidence submitted with the application and on rebuttal. We are not persuaded by Counsel's argument.

We fail to concur with Counsels argument that the asylum application should be considered from the moment the applicant first allegedly "fled" from mainland China. In our opinion the asylum application should be considered from the time it was submitted together with evidence to support the claim. The record reveals no evidence to firmly establish the

applicant's claim that he "fled" from mainland China or Viet-Nam. In fact, the record reveals the applicant departed mainland China for Viet-Nam to work in a bank. Moreover, we are not persuaded that the record satisfies the applicant's attempt to establish he is unwilling to return to mainland China due to fear of political persecution.

We note the record reveals that the applicant's father and a brother were executed in 1951, allegedly due to the fact that they were landlords, by the present Government in control of mainland China. The record further reveals that there are other members of the applicant's family in mainland China at this time. The applicant's sworn affidavit is unsupported by any evidence that suggests

the applicant has been singled out for any punitive treatment for political or other reasons by the government of his country. The applicant's uncorroborated evidence is not sufficient to meet his burden of proof (Kashani v. Immigration and Naturalization Service, 547 F.2d 376, 7th Cir., 1977). In essence, the applicant's claim amounts to nothing more than a statement of his opinion that he might be persecuted.

In our opinion the Matter of Zedkova, 13 I & N Dec. 626, is not pertinent in this matter on the grounds the applicant has failed to establish eligibility for refugee classification.

The record is clear that the applicant failed to establish that he qualifies as a refugee under section 203(a)(7) of the Act. The record is also clear that the

applicant is ineligible for adjustment of status as a non-preference immigrant under 8 CFR 245.1(e) of the Act.

We conclude that the District Director's decision was proper and that evidence submitted on rebuttal fails to establish a basis to overrule the denial decision.

The decision is affirmed.

ORDER: IT IS ORDERED that the decision to deny the application for classification as a refugee under the proviso to section 203(a)(7) of the Act, and the application for adjustment of status to permanent resident under section 245 of the Act be affirmed.

REGIONAL COMMISSIONER

WESTERN REGION

APPENDIX D

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

DISTRICT DIRECTOR, LOS ANGELES, CAL.

The applicant seeks classification as a refugee and as such must satisfy this Service that because of persecution or fear of persecution on account of race, religion, or political opinion he has fled from any Communist or Communist-dominated country or area, or from any country within the general area of the Middle East (between and including Libya on the West, Turkey on the North, Pakistan on the East, and Saudi Arabia and Ethiopia on the South), and is unable or unwilling to return to such country or area on account of race, religion, or political opinion. The applicant is a 58-year-old native and citizen of the Republic of China who was

admitted to the United States on July 17, 1975 as a B-1 nonimmigrant.

The burden of proof is upon the applicant to establish "flight" because of persecution or fear of persecution on account of race, religion, or political opinion. The record fails to establish that his departure from the Republic of China was other than voluntary. Nor does it establish that the Republic of China government is engaged in a national policy of persecution on account of race, religion, or political opinion. The political unrest with its ensuing disturbances and harassment of segments of the population has been going on for many years. There is no evidence that the applicant, who has been in the United States since 17 July 1975, has engaged, either before or after his admission to this country, in activities inimical to the government in the Republic of China.

The applicant has failed to establish eligibility for classification as a refugee pursuant to the proviso to Section 203(a)(7) of the act, thereby becoming subject to the requirements for a nonpreference immigrant (i.e., possession of a labor certification, or qualification for exemption therefrom) and found ineligible for such classification.

Based upon the foregoing, your application for status as a permanent resident is hereby denied. This decision, however, does not preclude your application for an immigrant visa at a United States Consulate abroad.

Attachment to Form I-291

In Re: Tchong T. Kan

File: A23 010 240

February 8, 1980